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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

AMANDA BROWN,

Plaintiff,

vs.

OFFICER ARTHUR LARSEN, in his
individual and official capacities, OFFICER
JOHN DOE, in his individual and official
capacities, and the CITY OF SOUTH SALT
LAKE, a Municipal Corporation in Utah,

Defendants.

**MEMORANDUM IN OPPOSITION TO
PLAINTIFF'S MOTION FOR
ENLARGEMENT OF TIME TO FILE
RESPONSE TO DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

Civil No. 2:10-cv-00572-DB

Judge Dee Benson

Defendants South Salt Lake and Officer Larsen, by and through undersigned counsel and the law firm of CHRISTENSEN & JENSEN, hereby submit this memorandum in opposition to Plaintiff's motion for enlargement of time (docket entry no. 60):

FACTS

1. Defendants filed their motion for summary judgment on June 21, 2012.
2. Plaintiff failed to respond to Defendants' motion.
3. Defendants filed a request to submit their motion for summary judgment on July 26, 2012.

4. The Court entered its order (docket entry no. 58) granting Defendants' motion for summary judgment on August 21, 2012.

ARGUMENT

The Court should deny Plaintiff's motion because it is untimely, a final judgment has been entered, and there is no deadline to be extended.

Plaintiff had ample time and opportunity to respond to Defendants' motion for summary judgment and did not do so. Plaintiff failed to file any opposition or motion for extension prior to the deadline. Furthermore, after receiving Defendants' request to submit, which notified Plaintiff again that Defendants were seeking a ruling in their favor, Plaintiff still failed to respond. Plaintiff likewise never contacted defense counsel to request a stipulation for extension of the deadline. As such, the Court granted Defendants' motion for summary judgment on August 21, 2012. Because the Court already granted Defendants' motion, there is no pending deadline to be extended and Plaintiff's motion is procedurally improper.

If Plaintiff intends to move to set aside the final judgment entered in this matter, she must do so via the proper procedural vehicle, which is not a motion for enlargement of time. *See e.g. Van Skiver v. United States*, 952 F. 2d 1241, 1243 (10th Cir. 1991) ("... the rules allow a litigant subject to an adverse judgment to file either a motion to alter or amend the judgment pursuant to Fed.R.Civ.P. 59(e) or a motion seeking relief from the judgment pursuant to Fed.R.Civ.P. 60(b)."). Plaintiff's motion for enlargement of time should be denied.

CONCLUSION

Based upon the foregoing, Defendants respectfully request this Honorable Court deny Plaintiff's motion for enlargement of time.

DATED this 10th day of September, 2012.

CHRISTENSEN & JENSEN, P.C.

/s/ Sarah Elizabeth Spencer

David C. Richards

Sarah Elizabeth Spencer

*Attorneys for Defendants City of South Salt Lake
and Larsen*

CERTIFICATE OF SERVICE

I hereby certify that a copy of this **MEMORANDUM IN OPPOSITION TO PLAINTIFF'S MOTION FOR EXTENSION OF TIME** was sent via the Court's CM/ECF electronic system to the following this 10th day of September, 2012:

Jonathon Grimes P.C.
8 East Broadway Suite 700
Salt Lake City, Utah 84111

/s/ Sarah Elizabeth Spencer